

PROB 12B
(7/93)

United States District Court

for

Middle District of Alabama

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

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Name of Offender: KELLEY, Matthew Leo

Case Number: 1:05CR00122-002

Name of Sentencing Judicial Officer: Honorable Myron H. Thompson, United States District Judge

Date of Original Sentence: January 26, 2006

Original Offense: Possession of Marijuana; 21 U.S.C § 844(a)

Type of Supervision: Probation

Date Supervision Commenced: January 26, 2006

PETITIONING THE COURT

- ☐ To extend the term of supervision for __ months, for a total term of __ months.
☒ To modify the conditions of supervision as follows:

The defendant shall participate in drug testing and/or treatment, as necessary. Further, the defendant shall contribute to the costs of any treatment in an amount determined reasonable by the probation officer, based on ability to pay and availability of third party payments.

CAUSE

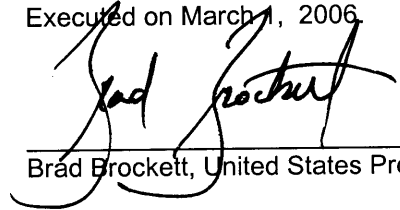
1. **Violation of a mandatory condition of probation which states, "The defendant shall refrain from any unlawful use of a controlled substance."**

On February 27, 2006, an instant drug test was obtained from Kelley, observed by U. S. Probation Officer Brad Brockett. The test results indicated a presumptive positive for marijuana. An admission of drug use form was signed by Kelley admitting that he had used marijuana on or about February 17, 2006.

RECOMMENDATION

It is respectfully recommended that the conditions of probation be modified to include substance abuse treatment. Kelley was instructed to contact his mental health counselor at South Central Alabama Mental Health, and discuss his need for substance abuse treatment. His counselor, Ms. Brenda Donaldson, stated to the probation officer that she would refer Kelley to drug treatment as soon as Kelley re-establishes his mental health counseling. In addition, the probation officer has increased drug testing, and will monitor Kelley's progress in drug treatment. Attached is a Waiver of Hearing form signed by Kelley for the Courts review.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 1, 2006.



Brad Brockett, United States Probation Officer

Reviewed and approved: _____



Robert A. Pitcher, Senior U.S. Probation Officer/OIC

THE COURT ORDERS:

- ☐ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other

Signature of Judicial Officer

Date